

JANET M. HEROLD
Regional Solicitor
SUSAN SELETSKY
Counsel for FLSA
ROSE DARLING
Senior Trial Attorney
TARA STEARNS
Trial Attorney
Office of the Solicitor
UNITED STATES DEPARTMENT OF LABOR
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7741
Fax: (415) 625-7772
Email: stearns.tara.e@dol.gov

Attorneys for Thomas E. Perez, Secretary,
United States Department of Labor

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**THOMAS E. PEREZ, Secretary of
Labor, UNITED STATES
DEPARTMENT OF LABOR,**

Plaintiff,

v.

**i2A TECHNOLOGIES, INC., a
California corporation; VICTOR
BATINOVICH, an individual,**

Defendants.

Case No.: 3:15-cv-4963-WHA

**SECRETARY OF LABOR'S
STATUS REPORT**

On September 9, 2016, the Court entered default judgment against defendants i2A Technologies, Inc. and Victor Batinovich and ordered them to pay \$410,657.68 in back wages and liquidated damages within 84 days. Dkt. No. 60. In November 2016, the Secretary's counsel sent two letters and spoke on the phone about the December 2, 2016 payment deadline to Steven Cohn, attorney for Victor Batinovich. *See* Declaration of Tara

1 Stearns ¶¶ 2, 3, 6, Exs. A and D. Mr. Cohn told the Secretary that defendants might propose
 2 a payment plan and provide documentation of Batinovich's assets and indebtedness. *Id.* ¶ 4,
 3 Ex. B. Mr. Cohn also told the Secretary that defendants had sued a third party, AIPAC, Inc.,
 4 for indemnity in San Jose federal court, and he urged the Secretary to file his own collection
 5 action against AIPAC. *Id.* ¶ 5, Ex. C. As the Secretary's counsel told Mr. Cohn by letter on
 6 November 17, 2016, whether or not defendants have a viable claim for indemnity or
 7 contribution against AIPAC is immaterial to their obligation to comply with the Court's
 8 default order. *Id.* ¶ 6, Ex. D.

9 To date, the Secretary has not received any payment from i2A or Batinovich, or any
 10 documents showing Batinovich's debts and assets, or any proposal regarding a payment plan.
 11 *Id.* ¶ 7.

12
 13
 14 Respectfully Submitted,

15 Dated: December 15, 2016

M. PATRICIA SMITH
 Solicitor of Labor

JANET M. HEROLD
 Regional Solicitor

SUSAN SELETSKY
 Counsel for FLSA

ROSE DARLING
 Senior Trial Attorney

21 By: /s/ Tara Stearns
 22 TARA STEARNS (Cal. Bar # 291130)
 Trial Attorney

23 Attorneys for the Secretary
 24 United States Department of Labor
 25